



12-13-04

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Express Mail No. EV474303588US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Michael J. Hier et al.
Serial No.: 10/711,692
Filed: September 30, 2004
Art Unit: 3616
Examiner: Unknown
Confirmation No.: 5691
Title: INFLATABLE AIRBAG CUSHION FORMED WITH A BLOWN
ELASTOMER CORE AND METHODS OF USING AND
MANUFACTURING SAME
Atty Docket No.: MASL-68

Cincinnati, Ohio 45202

December 10, 2004

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**PETITION FOR DATE OF THIS SUBMISSION OF ITEMS INDICATED
AS OMITTED ON "NOTICE OF OMITTED ITEMS" AS APPLICATION
FILING DATE OF A NONPROVISIONAL APPLICATION**

Applicant responds to the "NOTICE OF OMITTED ITEMS" mailed October 26, 2004. This response is being made within two (2) months of the mailing of the "NOTICE OF OMITTED ITEMS." A copy of the "NOTICE OF OMITTED ITEMS" is enclosed.

This is a nonprovisional application and applicants hereby petition under 37 C.F.R. Section 1.182 to accept the date of this submission as the application filing date.

Submitted herewith are:

- A copy of the "NOTICE OF OMITTED ITEMS;"
- An unsigned Declaration in compliance with 37 C.F.R. Sections 1.63 and 1.64 referring to such omitted item; and

- A sheet of drawings including Figs. 3A and 3B.

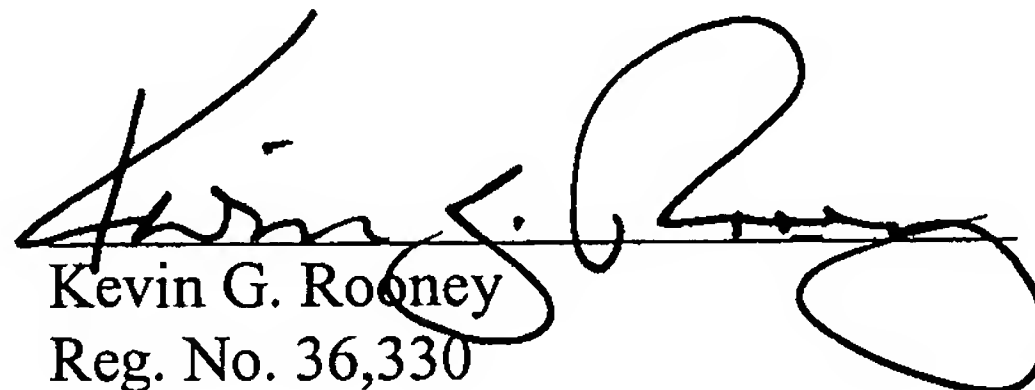
Applicants have also submitted, on even date herewith, a Preliminary Amendment in which Applicants submit Figs. 3A and 3B and supporting arguments that entry of these figures does not constitute “new matter.” Consequently, Applicants submit this Petition without waiving the right to refute future contentions that Figs. 3A and 3B constitute “new matter” and, thereby, regain the original filing date of September 30, 2004, as opposed to the date of this submission.

Early and favorable consideration of this petition is respectfully requested.

Applicants do not believe that any fees are due in connection with this submission other than the petition fee. A check in the amount of \$400.00 is enclosed for payment of the petition fee. If any other fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.



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